

3728

ZFW

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/049,733
		Filing Date	November 8, 2002
		First Named Inventor	Yoichi Kawashima
		Art Unit	3728
		Examiner Name	Jila M. Mohandes
Total Number of Pages in This Submission	3	Attorney Docket Number	388-020198

ENCLOSURES (Check all that apply)

Fee Transmittal Form (1p. in trip.)
 Fee Attached (check, 1 p.)
 Preliminary Amendment
 Election With Transverse (2 pp.)
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Supplemental Information Disclosure Statement
 Certified Copy of Priority Documents
 Response to Missing Parts/ Incomplete Application
 Response to Missing Parts under 37 CFR 1.52 or 1.53 (2pp. in trip.)

Drawings
 Licensing-related Papers
 Petition for Extension of Time (2 pp. in trip.)
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation Change of Correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s) _____

After Allowance communication to Technology Center (TC)
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below)

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Darrell E. Williams, Registration No. 45,222	
Signature		
Date	August 26, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

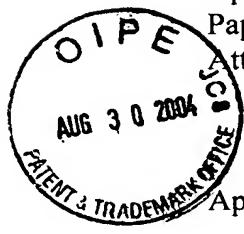
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Chris Reichert	Date	August 26, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

Application No. 10/049,733
Paper dated August 26, 2004
Attorney Docket No. 388-020198



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/049,733
Applicants : Yoichi Kawashima et al.
Filed : November 8, 2002
Title : OPEN INSTILLATION CONTAINER AND
METHOD OF MANUFACTURING THE
CONTAINER
Group Art Unit : 3728
Examiner : Jila M. Mohandes
Confirmation No. : 4588
Customer No. : 28289

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION WITH TRAVERSE

Sir:

This is in response to the Office Action dated July 26, 2004 in which the Examiner has required a restriction to one of the following invention:

Invention Group I, covering claims 1-5, 10 and 14-15, drawn to an eye drop container; and

Invention Group II, covering claims 6-9, 11-13 and 16, drawn to a method of manufacturing an eye drop container.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2004.	
Chris Reichert	
(Name of Person Mailing Paper)	
Signature	August 26, 2004
Date	

Application No. 10/049,733
Paper dated August 26, 2004
Attorney Docket No. 388-020198

Applicants hereby elect for further prosecution the invention of Group I, covering claims 1-5, 10 and 14-15, drawn to an eye drop container.

The Examiner asserts that the inventions of Groups I and II do not relate to a single general inventive concept because the inventions lack the same or corresponding special technical features. Applicants respectfully traverse this Restriction Requirement on the grounds that no serious burden exists on the Examiner by examining claims 1-16 in a single application. When searching and examining the Group I claims, the Examiner will also encounter subject matter set forth in the Group II claims. Therefore, a separate search would not be required. In view of the above, no serious burden exists on the Examiner by examining all of the claims in a single application. Accordingly, withdrawal of the Restriction Requirement is respectfully requested.

Applicants hereby reserve the right to prosecute non-elected claims 6-9, 11-13 and 16 by way of a divisional application filed at a later time. Pursuant to 37 C.F.R. § 1.48(b), there is no change in inventorship as a result of this Election.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By Darrell E. Williams

Darrell E. Williams
Registration No. 45,222
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com